

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI**

In re:)	
FISH, PATRICIA KAY)	Case No.19-41620-705
)	Chapter 7 -- Liquidation
Debtor(s))	
)	Hearing Date: October 8, 2019
)	Hearing Time: 9:30 a.m.
)	Response Due: October 1, 2019
)	Location: United States Bankruptcy Court
)	Thomas F. Eagleton Courthouse
)	111 South Tenth Street, Floor 7,
)	South Courtroom, St. Louis, MO

**MOTION TO SELL REAL ESTATE FREE
AND CLEAR OF LIENS AND INTERESTS**

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY [October 1, 2019] . YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

COMES NOW Trustee, Fredrich J. Cruse, and for his Motion to Sell Real Estate located at 641 W. Polo Dr. Clayton, Missouri, states to the Court as follows that:

1. The court has jurisdiction in regard to this matter pursuant to 28 U.S.C. §§151, 157,
and 1334 and Local Rule 9.01 (b) of the United States District Court for the

Eastern District of Missouri.

2. Debtor Patricia Fish filed a Voluntary Petition for Relief under the provisions of Chapter 7 -- Liquidation of Title 11 of the United States Code on 03/19/19.
3. The Trustee was appointed Chapter 7 Trustee of Debtor's bankruptcy estate.
4. One of the assets listed on Debtors Schedules which inured to the bankruptcy estate was Debtor's Real Estate at 641 W Polo Dr Clayton, MO 63105 with a Value of \$1,600,000.00.
5. The Trustee is informed and believes that the Property is subject to several disputed liens. The Court will determine lien extent and validity. All liens will attach to the proceeds in the hands of the Trustee.
6. The Debtor has not claimed an exemption against said property.
7. The legal description of this property in its entirety is as follows:

PART OF LOTS 18 AND 19 IN BLOCK "A" OF COUNTRY CLUB PLACE NO. 2, A SUBDIVISION IN U.S. SURVEYS 1918 AND 1919, TOWNSHIP 45 NORTH, RANGE 6 EAST, IN ST. LOUIS COUNTY, MISSOURI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 22 PAGE 1 OF THE ST. LOUIS COUNTY RECORDS, AND DESCRIBED AS: BEGINNING AT A POINT IN THE SOUTHWEST LINE OF POLO DRIVE, SAID POINT BEING 70 FEET SOUTHEAST OF THE NORTHEAST CORNER OF SAID LOT 18, MEASURED ALONG THE SOUTHWEST LINE OF POLO DRIVE; THENCE RUNNING SOUTHWEST 133 FEET 1 AND 1/4 INCHES TO A POINT IN THE SOUTHWEST LINE OF SAID LOT 19, SAID POINT BEING 114 FEET SOUTHEAST OF THE MOST WESTERN CORNER OF SAID LOT 18, MEASURED ALONG THE SOUTHWEST LINE OF LOTS 18 AND 19; THENCE RUNNING SOUTHEAST WITH THE SOUTHWEST LINE OF SAID LOT 19, 86 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUNNING EAST WITH THE SOUTH LINE OF SAID LOT 19, 125 FEET 2 INCHES TO THE SOUTHWEST LINE OF POLO DRIVE; THENCE RUNNING NORTHWEST ALONG THE SOUTHWEST LINE OF POLO DRIVE, 80 FEET TO THE PLACE OF BEGINNING.
SITUATED IN ST. LOUIS COUNTY, MISSOURI.

8. On May 15, 2019, the Court entered an Order authorizing the Trustee to hire Real Estate Agent Mick Sanders to List the Property for sale.
9. On August 30, 2019, the Trustee entered into a Residential Sale Contract

(a copy of which is attached hereto and incorporated herein as "EXHIBIT 1) with Randy Mariani and Patricia Redington to buy Real Estate in 641 W Polo Dr Clayton, MO 63105, for a purchase price Nine Hundred Thirty-five Thousand and no/100 (\$935,000.00) Dollars.

10. The Trustee believes this represents the fair market value of said Real Estate in the present ,condition.
12. Trustee believes this sale to be in the best interest of the bankruptcy estate.
13. Trustee proposes to transfer the Real Estate by Trustee's Deed to Randy Mariani and Patricia Redington, for the net sum of Nine Hundred Thirty-five Thousand and no/100 (\$935,000.00) Dollars, paying the following expenses or adjusting the purchase price at closing for tax proration for current year taxes, Realtor Commissions, Title fees and other necessary expenses from the sale, to be filed with the court in the Trustees Report of Sale upon closing.
14. Pursuant to 11 U.S.C. §363(f), the sale will be free and clear of any liens and/or encumbrances on the Real Property.
15. Liens, if any, will attach to the proceeds of the sale.
16. The Trustee requests an Order approving the Trustee's Motion to Real Estate located at 641 W Polo Dr Clayton, MO 63105 free and Clear of Liens and Encumbrances to be effective immediately with no stay of enforcement of this Court's Order pursuant to Federal Rule of Bankruptcy Procedure 4001 (a)(3).

WHEREFORE, Trustee prays for an Order of the Court approving the sale of said Real 641 W Polo Dr Clayton, MO 63105 to Randy Mariani and Patricia Redington, for a purchase price of Nine Hundred Thirty-five Thousand and no/100 (\$935,000.00) Dollars; that the Trustee be authorized to execute any and all documents necessary to effectuate the sale and transfer the Property; and that the Trustee may be permitted to adjust the purchase price at closing for any accrued real estate taxes, and closing costs and for such other and further relief as is meet and proper in the premises.

Dated: September 3, 2019

/S/Fredrich J. Cruse

Fredrich J. Cruse ED # 23480MO
Attorney at Law WD/MO Bar # 23480
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on September 3, 2019 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below on September 3, 2019:

PRA Receivables Management LLC PO Box 41021 Norfolk, VA 23541-1021
U.S. Bank National Association 14841 DALLAS PKWY SUITE 425 Dallas, TX
75254-8067
111 South Tenth Street Fourth Floor St. Louis, MO 63102-1125
Brian D Fish 753 W Canterbury Rd Apt D St Louis, MO 63132-4536
Brian Fish 753 W Canterbury Rd Apt D St Louis, MO 63132-4536
Daron Gillmann c/o Heejin Kim 1015 Locust St, Suite 1036 St Louis, MO 63101-1323
Dr Mitchell Rotman c/o Laura Schrick 23 Public Square, Suite 300 Belleville, MO
62220-1627
Linda J Simons 7098 Cedar Grove Ave North Canton, OH 44720-6696
Nordstrom's 13531 E Caley Ave Englewood, CO 80111-6505
Office of US Trustee 111 S Tenth St, Ste 6.353 St. Louis, MO 63102-1127
People's Bank c/o James Cole 1401 S Brentwood Blvd, Suite 875 St Louis, MO
63144-1415
Peoples National Bank, N.A. c/o James S. Cole, Esq. 1401 S. Brentwood Blvd., Suite
875 St. Louis, Missouri 63144-1415
Synco - TJX PO Box 9650 15 Orlando, FL 32896-5015
U.S. Bank National Association c/o Brian Hockett Thompson Coburn LLP One U.S. Bank
Plaza, Suite 2700 St. Louis, MO 63101-1693
US Bank c/o Maria Zschoche One US Bank Plaza St Louis, MO 63101-1608
Patricia Kay Fish 641 W Polo Drive Clayton, MO 63105-2635
Robert E. Eggmann Carmody MacDonald P.C. 120 South Central Avenue, Suite
1800 Clayton, MO 63105-1726

Dated: September 3, 2019

/s/Fredrich J. Cruse

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